



WEST LAFAYETTE POLICE DEPARTMENT

711 WEST NAVAJO • WEST LAFAYETTE, INDIANA 47906

MAIN PHONE: 765-775-5200 • FAX: 765-775-5228

RECORDS DIVISION: 765-775-5210 • CRIMINAL INVESTIGATION DIVISION: 765-775-5220

January 9, 2006

TO: West Lafayette Board of Public Works and Safety

FR: Chief Marvin

RE: Captain Leroux grievance

The letter is in response to the grievance dated December 19, 2005, filed by Captain Christopher J. Leroux with the President of the Board of Works and Safety. The grievance should be denied for two reasons: 1) because Captain Leroux did not follow appropriate procedures; and 2) because the unit number assigned to Captain Leroux was a proper exercise of authority in establishing the chain of command within the WLPD as provided for in the Department's Standard Operating Procedures.

The grievance procedures indicate that a grievance should be relayed to an employee's immediate supervisor, informally, within the working hours of the day that the event causing the grievance occurred. Captain Leroux was assigned Unit 4 long before December and did not raise any issue. The grievance procedures require that Captain Leroux's grievance to go through the following steps: "(1) immediate supervisor, (2) department head, (3) the appropriate board, in that order until the grievance is resolved or all appeals are exhausted." Captain Leroux discussed his grievance with his immediate supervisor, Deputy Chief John Walker, who denied the grievance on December 14, 2005. Under 20.04, Captain Leroux was obligated to present a written grievance to me as the department head. Leroux has never done this, instead submitting his grievance directly to the Board of Works. Captain Leroux's grievance indicates that he understood from the response he received from Deputy Chief Walker that the grievance had been denied at the department head level. Captain Leroux did not communicate with me in this regard, and therefore I did not have an opportunity to render a written decision as contemplated by the grievance procedures. When a grievance is not resolved by the department head, an employee is required to file with the appropriate board within two working days of the decision rendered by the department head. Thus, if a decision had been rendered, Captain Leroux's grievance should have been filed no later than December 16, 2005.

The original grievance filed by Captain Leroux, a copy of which is attached, actually included a request that "step two of the grievance process be skipped" as a result of alleged bias. Captain Leroux makes a similar claim of bias in the grievance he has filed with the Board of Works. Employees should not be allowed to circumvent the grievance procedures by asserting bias, or the procedures established will be without meaning. Under the circumstances, the Board should deny the grievance because of Captain Leroux's failure to follow the applicable grievance procedures.

The basis of Captain Leroux's written grievance is that he was promoted to the rank of captain before Captain Francis, has more "seniority," and thus should have a lower unit number. The unit or badge number assigned to a member of the WLPD is used for purposes of establishing the chain of command. This is not based on seniority with the force and/or as a commanding or supervisory officer, although these are among other things that may be considered. For example, Lt. Coddington (Unit 5) has less seniority as a lieutenant than Lt. Sparger (Unit 6), but has a lower number and is therefore higher in the chain of command. Similarly, among the sergeants, Sgt. Gallagher (Unit 11) has a lower badge number than Sgt. Harris (Unit 12), who has been a sergeant for a longer period of time. The unit number assigned to an officer does not affect his or her pay or pension benefits.

Pursuant to WLPD Policy #2.04.III.B.9 and #2.05.01.III.A.4, it is the Chief's obligation to establish a clear-cut chain of command. Having a clear chain of command is important for promoting efficiency, responsibility, and accountability within the Department. This is particularly important for the Captains and Lieutenants, who are commanding officers and have the authority to act and direct in the name of the Chief in the absence of the Chief and Deputy Chief. WLPD #3.03.007. The WLPD has two Captains, one assigned to Patrol and Data Management and one assigned to Special Services and four lieutenants, three of whom are assigned to Patrol and one who is assigned to Criminal Investigations. The unit number assigned to these commanding officers establishes the chain of command, including for purposes of acting in the absence of the Chief and Deputy Chief.

The captains of the WLPD are each assigned to separate divisions and have specific management responsibilities with regard to personnel and other matters. They each are under the Deputy Chief and Chief in the chain of command. Pursuant to my authority under the WLPD policies I have assigned Unit 3 to Captain Mike Francis and Unit 4 to Captain Leroux, which means that Captain Francis is higher in the chain of command, including for purposes of acting in the Chief's name in the absence of the chief and deputy chief. There are a number of reasons for exercising my authority to establish the chain of command in this manner, including those summarized below, and my decision was not made as a result of bias or prejudice as Captain Leroux has claimed.

Captain Francis presently is the Captain of Patrol and Data Management and has more supervisory and other responsibilities relating to the patrol officers. He has more seniority with the Department than does Captain Leroux. Captain Leroux failed to

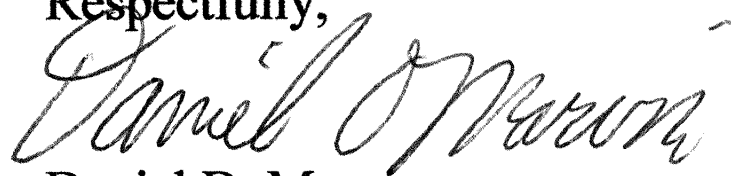
properly handle the responsibilities of upper level chain of command while serving as the Deputy Chief and has been disciplined twice in the last two years for his conduct in this regard. Under all the circumstances, I do not believe that it would be appropriate or in the best interests of the WLPD for Captain Leroux to be third in line in the chain of command, which would leave him as acting chief in the absence of the Chief and Deputy Chief.

The West Lafayette Police Merit Commission recently determined in a unanimous vote that Captain Leroux's failure to begin the investigative process relating to the FOP bus trip in a timely manner constituted unsatisfactory performance of his job as deputy chief under Merit Commission and WLPD policies. Its findings included: 1) that Captain Leroux was ordered to call me "if anything of significance came up" and Leroux "did not contact or attempt to contact [me] about the e-mails or the accidents" connected to the bus trip despite having contacted [me] on prior occasions during vacation about other matters (No's 21 and 22); 2) that Leroux should have begun the investigative process as soon as possible (No. 23); 3) that Leroux issued his shift commander report relating to Lt. Coddington's accident on the night of the bus trip based only on Officer Gosney's report and Lt. Coddington's narrative (despite having knowledge of the emails) No. 24; that Leroux did not advise Captain Francis, then captain of special services, of any concerns regarding the accident when he forwarded the shift commander report and other materials relating to Lt. Coddington's accident to him for further review (No. 25); that Leroux did not secure the WLPD security tape for July 21, which shows the accident in the WLPD parking lot that occurred following the bus trip and caused damage to a city vehicle, after learning of the crash, the emails complaining about the bus trip and related matters, or at any time prior to my return from vacation on August 1 (No. 26); that Captain Leroux did not tell me about the crash in the parking lot upon my return (No. 27); that Captain Leroux's failure to begin the investigative process in a timely manner constituted unsatisfactory performance of his job as deputy chief (No. 38); that without my knowledge or approval, Captain Leroux told other officers about the email complaints, knowing that an internal investigation would be needed and thereby violated Merit Commission and LWPDP policies against dissemination of information (No's 28 and 37). Copies of the Commissions Findings and Order are attached hereto.

Leroux was previously reprimanded on August 9, 2004 for his failure to properly perform his duties as Deputy Chief, in connection with the Koehler case, a copy of which is attached. In connection with that incident Captain Leroux acknowledged his poor judgment, accepted responsibility for his actions, and pledged that he would not allow poor judgment to interfere with the mission of the department again. The Commission's recent findings of misconduct are based on conduct occurring only about a year after the prior reprimand. Given these problems with Captain Leroux's execution of command responsibilities, it is appropriate to retain Captain Francis, who was Unit 3 before the bus trip, as third in the chain of command, ahead of Captain Leroux.

Given the circumstances, I would respectfully request that Captain Leroux's grievance be DENIED in a written decision, in the form attached hereto.

Respectfully,

A handwritten signature in black ink, appearing to read "Daniel D. Marvin". The signature is written in a cursive, flowing style with a horizontal line extending from the end.

Daniel D. Marvin
Chief of Police

Cc: Captain Christopher J. Leroux

BEFORE THE CITY OF WEST LAFAYETTE
BOARD OF PUBLIC WORKS AND SAFETY

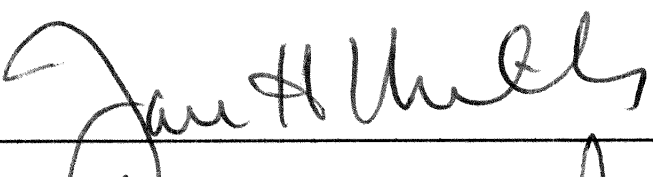
IN RE: THE GRIEVANCE OF CAPTAIN)
CHRISTOPHER J. LEROUX)

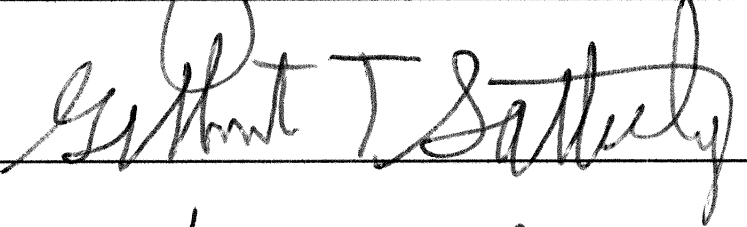
FINDINGS AND ORDER


This matter came before the West Lafayette Board of Public Works and Safety in connection with a grievance dated December 19, 2005, filed by Captain Christopher J. Leroux of the West Lafayette Police Department. The Board has also received a response dated January 9, 2006, from Chief Daniel Marvin of the West Lafayette Police Department. Having duly considered this matter, the Board now finds and concludes that the grievance filed by Captain Leroux should be and hereby is DENIED. Captain Leroux failed to follow the applicable procedures set forth in the Personnel Manual. In addition, the unit number assigned to Captain Leroux was a proper exercise of authority and discretion by Chief Daniel Marvin in establishing the chain of command within the West Lafayette Police Department as provided for in the Department's Standard Operating Procedure.

SO ORDERED this 10 day of January, 2006.

WEST LAFAYETTE BOARD OF PUBLIC WORKS AND SAFETY







BEFORE THE CITY OF WEST LAFAYETTE
POLICE MERIT COMMISSION

IN RE: THE DISCIPLINARY MATTER OF)
CAPTAIN CHRISTOPHER J. LEROUX)

ORDER

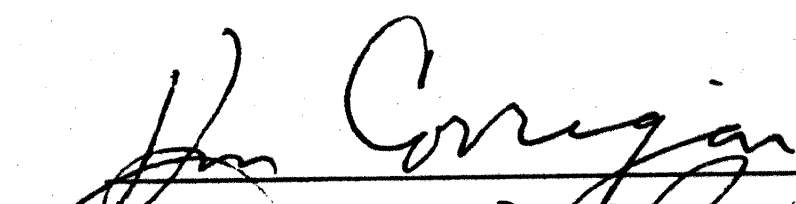
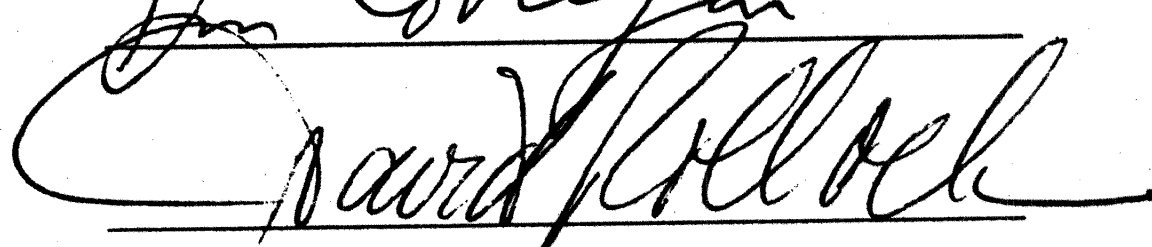
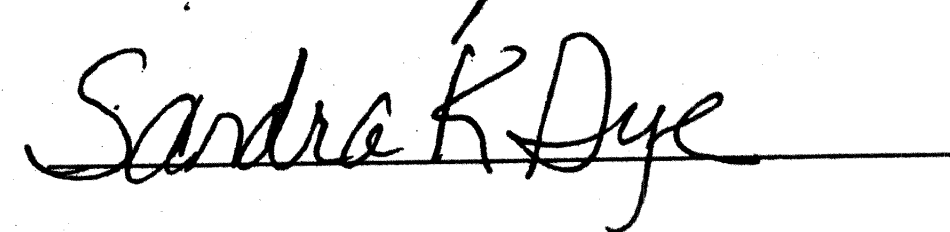
The West Lafayette Police Merit Commission hereby finds that Christopher J. Leroux violated:


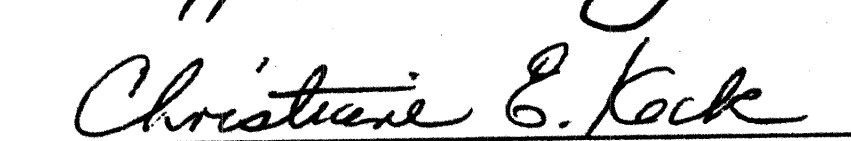
- 1) *Dissemination of information under Commission rule III(E)(9), WLPD policies #3.01(III)(G) and #3.03.020(I).*
- 2) *Unsatisfactory performance under Commission rule III(E)(19) and WLPD policy #303.060.*

as alleged against him and that the appropriate disciplinary action is a suspension from the West Lafayette Police Department, and so **ORDERS**, under the authority of Ind. Code § 36-8-3.5-17(a), that Captain Leroux be **SUSPENDED** for a period of 3 days, without pay from the West Lafayette Police Department, effective Immediately.

SO ORDERED this 12th day of December, 2005.

CITY OF WEST LAFAYETTE
POLICE MERIT COMMISSION

BEFORE THE CITY OF WEST LAFAYETTE
POLICE MERIT COMMISSION

IN RE: THE DISCIPLINARY MATTER OF)
CAPTAIN CHRISTOPHER J. LEROUX)

Under the authority vested in the West Lafayette Police Merit Commission ("Commission") pursuant to I.C. 36-8-3.5-17, a hearing was convened, upon prior notice to Christopher J. Leroux on October 31, 2005. Present for the hearing, in addition to members of the West Lafayette Police Merit Commission were Attorney Thomas L. Brooks, Jr., commission counsel, West Lafayette Police Department Chief Daniel D. Marvin, in person and by counsel, Pamela J. Hermes, and Captain Christopher J. Leroux, in person and by counsel, Thomas J. O'Brien. Upon convening of the hearing, witnesses were sworn and evidence was received. Having considered the evidence and arguments of the parties, and after due deliberations, the Commission does now adopt the following findings of fact and conclusions of law regarding the disciplinary matter of Captain Christopher J. Leroux:

FINDINGS OF FACTS

1. On July 21, 2005, Christopher J. Leroux ("Leroux") was a member of the West Lafayette Police Department ("WLPD") and was Deputy Chief. He was removed as Deputy Chief and is now one of the WLPD's two captains.
2. Leroux participated in a bus trip to Cincinnati on July 21, 2005 sponsored by the WLPD's chapter of the Fraternal Order of Police ("FOP") to watch a baseball game. The bus trip was opened to people other than WLPD personnel and their families, and included West Lafayette Fire Department personnel and their families and guests. There were children on the bus ages 5, 12, 13 and 14.
3. Alcoholic beverages were consumed by individuals on the way to the game, at and after the game, and/or on the way home, including by Lt. Matthew Coddington and other members of the WLPD. Leroux was aware of the alcohol consumption.
4. During the return trip, a group, including members of the WLPD, engaged in loud, profane and boisterous conduct. Leroux did not participate in this conduct nor attempt to stop it.

5. Leroux observed Lt. Coddington's son place a beer bottle in a cup holder during the baseball game. This observation lasted for approximately two seconds. Leroux did not observe Lt. Coddington's son consume an alcoholic beverage or have any further possession of an alcohol beverage during the trip.

6. During the internal investigation, two employees of the WLPD expressed concern regarding the behavior of the participants on the bus.

7. During the internal investigation, the parents of the children stated that they were not offended by the conduct on the bus.

8. The bus returned to WLPD about 8:00 p.m. Members who had consumed alcohol made use of designated drivers.

9. Surveillance video shows that a participant of the bus trip who was not a member of the WLPD backed a vehicle into the West Lafayette Police Department Animal Control vehicle. The accident caused minor damage. Leroux was not present when the accident occurred.

10. On and off-duty officers in the parking lot were aware that contact had been made with the animal control vehicle.

11. When Lieutenant Gary Sparger reported to duty, he was informed of the accident with the animal control vehicle. He observed some paint transfer from a maroon vehicle on the back bumper.

12. On Saturday morning, July 23, 2005 Lt. Sparger ascertained the identity of the person who backed his vehicle into the animal control vehicle. Lt. Sparger spoke with this person, who is not a member of the WLPD. Lt. Sparger completed an accident report.

13. On Monday, July 25, 2005, Lt. Sparger had a conversation with Leroux regarding the report and Lt. Sparger informed Leroux the matter had been handled and forwarded through the chain of command.

14. Lt. Coddington struck a mailbox while driving his departmental vehicle early in the morning of July 22, 2005.

15. The crash report prepared by Officer Mark Gosney of the WLPD indicated that the accident occurred at 2:18 p.m. on Friday, July 22, 2005, as indicated in the CAD sheet. Officer Gosney's crash report indicated that he investigated the accident at the scene only.

16. Leroux reported to work Monday, July 25, 2005, and a copy of the crash report regarding Lt. Coddington prepared by Officer Gosney was placed in his mailbox. Leroux assumed responsibility for performing a shift commander review and called Lt. Coddington to discuss the accident. Lt. Coddington informed him that he had been talking on his cell phone and struck a mailbox. The specific timing of the accident was not discussed. Leroux requested a narrative regarding the accident from him.

17. On July 25, 2005, Leroux reviewed Officer Gosney's report which listed 2:18 p.m., July 22, 2005 as the time of the accident. He also reviewed Lt. Coddington's narrative which did not specify a time of the accident nor did Leroux indicate that this needed to be included.

18. On July 22, 2005, two anonymous e-mails were sent to Mayor Jan Mills alleging inappropriate behavior by WLPD members as well as alleging that members were involved in accidents with departmental vehicles. Mayor Mills opened the e-mails on July 23, 2005. Leroux was off-duty July 22 through July 24. Mayor Mills and Deputy Chief Leroux had a scheduled meeting on Tuesday, July 26, at which time Mayor Mills shared the e-mails with Leroux. The e-mails contained both true and false statements.

19. During this meeting with Mayor Mills on the 26th, Leroux informed the Mayor that he did not feel comfortable beginning an investigation regarding the e-mails because he was specifically named.

20. After discussing the e-mails, Mayor Mills and Leroux agreed the matter would be referred to Chief Marvin upon his return the following Monday.

21. Chief Marvin was on vacation at the time the e-mails were received and was not scheduled to return until August 1, 2005. Prior to his departure and in accordance with his practice since becoming Chief, Marvin left Leroux a detailed schedule of his plans with daily contact information and told Leroux to notify him if anything of significance came up. This instruction was an order pursuant to WLPD policy #3.03IV(A)(11) which states that an "Order" is "an order or instruction given by a ranking officer to a subordinate, whether it be verbal or written."

22. Leroux did not contact or attempt to contact Marvin about the e-mails or the accidents. Leroux had contacted Marvin on occasion during prior vacations about other matters.

23. Even when a chief or deputy chief is implicated in an allegation, there are certain procedures that can be initiated to begin the investigative process. Leroux should have begun the process as soon as possible.

24. After meeting with the Mayor on the 26th, Leroux issued his shift coommander report based only on Officer Gosney's report and Lt. Coddington's narrative.

25. Leroux was advised on Wednesday that Coddington had not returned his car to the WLPD and that it was at his house. Leroux thought this was odd and it was inconsistent with ordinary practice. Leroux did not advise Mike Francis, captain of special services, of any concerns regarding the accident.

26. Leroux did not secure the security system tape for July 21, after learning of the parking lot crash, the e-mails, or at any time prior to the Chief's return to work.

27. Leroux did not tell Marvin about the crash in the parking lot.

28. Following his meeting with Marvin on August 1, without Marvin's knowledge or approval, Leroux told other members about the e-mail complaints, *knowing that an internal investigation would be needed.*

29. On September 22, 2005, Chief Marvin served and filed formal written charges against Leroux with the recommendation that he be disciplined for his actions. The charges allege neglect of duty under I.C. 36-8-3.5-17(b)(2)(A), neglect or disobedience of orders under I.C. 36-8-3.5-17(b)(2)(C), conduct unbecoming under I.C. 36-8-3.5-17(b)(2)(H) and Commission rule III(E)(1), dissemination of information under Commission rule III(E)(9), WLPD policies #3.01(III)(G) and #3.03.020(I) and unsatisfactory performance under Commission rule III(E)(19) and WLPD policy #303.060.

30. Amended charges were filed on October 3, 2005 to make technical corrections.

31. Leroux requested a formal hearing on the charges. On October 31, 2005, the Commission conducted a hearing on the charges in a duly noticed executive session. All parties appeared and evidence was submitted. Leroux had an opportunity to be heard, to cross-examine the City's witnesses, to call his own witnesses, to require the production of evidence and to present testimony and submit other evidence on his own behalf.

32. On November 14, 2005, November 23, 2005 and December 12, 2005, the commission deliberated on the charges and evidence in duly noticed executive sessions.

33. The Commission rendered its decision on the charges at their regularly scheduled monthly meeting on December 12, 2005.

34. The Commission FINDS that the City failed to prove what conduct of Captain Leroux constituted Neglect of Duty under I.C. 36-8-3.5-17(b)(2)(A).

35. The Commission FINDS that the City failed to prove what conduct of Captain Leroux constituted Neglect or Disobedience of Orders under I.C. 36-8-3.5-17(b)(2)(C).

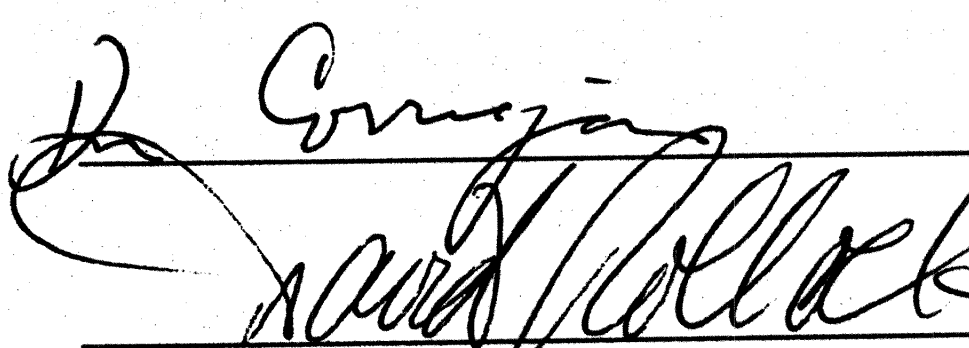
36. The Commission FINDS that the City failed to prove what conduct of Captain Leroux constituted Conduct Unbecoming on Officer under I.C. 36-8-3.5-17(b)(2)(H) and Commission Rule III(E)(1).

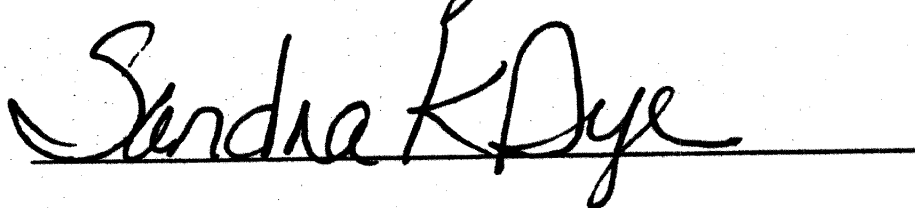
37. The Commission now FINDS that Captain Christopher J. Leroux's disclosure of information about the e-mail complaint to fellow officers knowing there was to be an investigation constituted Dissemination of Information under Commission Rule III(E)(9) and WLPD policies #3.01(III)(G) and #3.03.020(I).

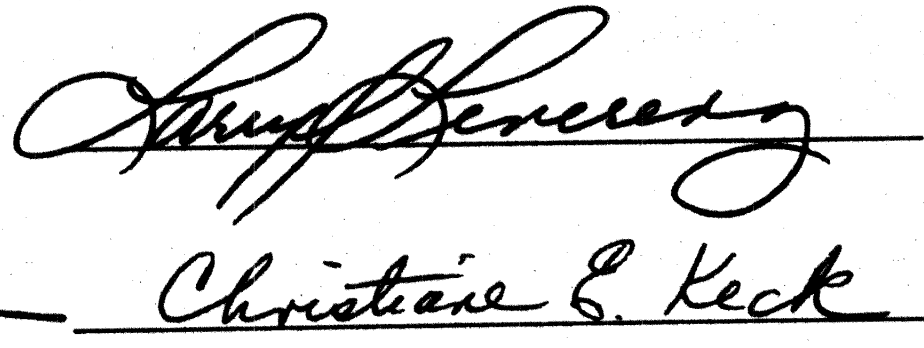
38. The Commission now FINDS that Captain Christopher J. Leroux's failure to begin the investigative process in a timely manner constituted Unsatisfactory Performance under Commission Rule III(E)(19) and WLPD policy #3.03.060.

Dated this 12th day of December, 2005.

CITY OF WEST LAFAYETTE
POLICE MERIT COMMISSION


David J. Black


Sandra K. Dye


Christine E. Keck



WEST LAFAYETTE POLICE DEPARTMENT

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August 10, 2004

TO: Mayor Jan Mills
Gil Satterly
Janet Broyles

FR: Chief Marvin

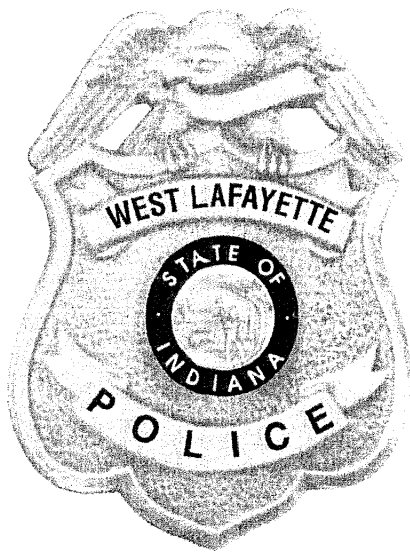
RE: Written Reprimand

In accordance with state statute #36-8-3-4.1, I am hereby formally notifying you that I have issued a Letter of Reprimand to Deputy Chief Christopher J. Leroux on this date. A copy of the Letter of Reprimand is attached.

Respectfully,

A handwritten signature in cursive script, appearing to read "Daniel D. Marvin".

Daniel D. Marvin
Chief of Police



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RECORDS DIVISION: 765-775-5210 • CRIMINAL INVESTIGATION DIVISION: 765-775-5220

August 9, 2004

TO: Deputy Chief Leroux

FR: Chief Marvin

RE: Written Reprimand

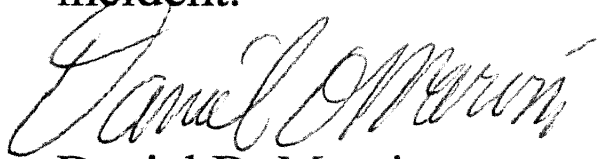
I have gathered information relating to an incident that occurred on August 3, 2004, and my investigation indicates that the following occurred: On Tuesday evening, August 3 2004, Julie Koehler was stopped by the Lafayette Police Department on South 18th Street. At the time, Mrs. Koehler had three juvenile subjects with her. During the traffic stop the officer detected the odor of alcohol coming from Mrs. Koehler. The officer then released the juveniles to another subject, and transported Mrs. Koehler to the Lafayette Police Department for further investigation.

While Mrs. Koehler was stopped on South 18th Street, a friend contacted you and told you that Mrs. Koehler was with a Lafayette Police Officer on South 18th street. You then contacted the Lafayette Police Department and talked with Sgt. Kenner regarding the situation, and found that she was being transported to the Lafayette Police Department for further investigation of a suspected Operating While Intoxicated violation. At that point, you offered to take custody of Mrs. Koehler, to make sure she got home, and to try and make arrangements to get her some assistance if the Lafayette officer decided he was not going to arrest her. The Lafayette Officer involved did decide to release Mrs. Koehler, and she was released to you and transported to her home.

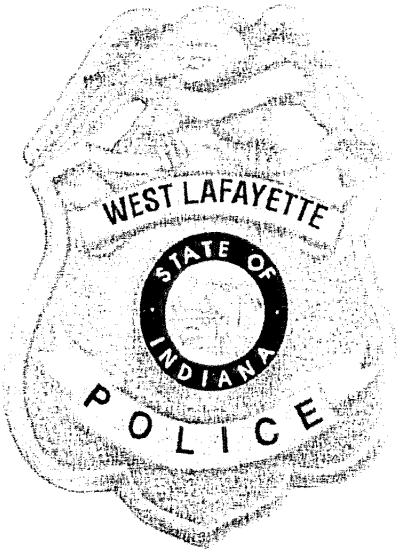
My investigation indicates that you did not use any coercion or pressure to get the Lafayette Police Department to release Mrs. Koehler, that you did not attempt to cover up or hide any of the facts or events that took place, and that you realize you made a bad decision and have taken full responsibility for your actions. I also know that you are a 17 year veteran officer with a very distinguished and exemplary service record with this department.

I understand you were off duty and attempting to get help for Mrs. Koehler, but this was not the appropriate course of action to take in this situation. While I support the position that officers need to have the authority to exercise judgment, your actions have reflected

poorly on the department and are inconsistent with your responsibilities as Deputy Chief. Accordingly, you are hereby formally reprimanded for your conduct relating to this incident.

A handwritten signature in cursive script, appearing to read "Daniel D. Marvin".

Daniel D. Marvin
Chief of Police



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RECORDS DIVISION: 765-775-5210 • CRIMINAL INVESTIGATION DIVISION: 765-775-5220

To: Chief Marvin

Fr: Deputy Chief Leroux

Re: The Koehler Incident

Sir,

Reference the incident that occurred on August 3, 2004 while off duty I would like to extend my sincerest apologies to the department and community for my error in judgment regarding this matter. I responded to a situation as a person wanting to facilitate help for another person in need, not as a person who represents the department and community as a whole.

In my seventeen years of service to the department and community I have worked hard to make good decisions based on the facts of a situation and not emotionally. I realize in this case I allowed my emotional feelings to cloud my professional judgment and for that I was wrong.

I can not change the events that occurred on that night nor have I attempted to avoid my responsibility in what transpired. I can only move forward from this time and assure you that I will not allow this type of emotional poor judgment to interfere with the mission of the department and the community again.

Submitted by;

A handwritten signature in cursive script, appearing to read "Chris Leroux".

Chris Leroux